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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Fiftieth session
Working Group on Minorities
Fourth session
25-29 May 1998

ANNOTATIONS TO THE DRAFT PROVISIONAL AGENDA

Note by the Secretary-General

Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995.

2. The fourth session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 25 to 29 May 1998.

1. Adoption of the agenda

3. The provisional agenda for the fourth session of the Working Group contained in document E/CN.4/Sub.2/AC.5/1998/1 includes items on the promotion of the rights of persons belonging to minorities as set out in the Declaration

on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission on Human Rights, in its resolution 1995/24, requested the Working Group to give priority consideration to the three main items contained in paragraph 9 of that resolution, namely:

(a) To review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) To examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) To recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

4. In accordance with the above-mentioned paragraph, the Working Group decided to consider, at its present session, the following issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; the future role of the Working Group; and other matters.

2. Organization of work

5. It is envisaged that the number of meetings for each agenda item will be as follows: four meetings for agenda item 3 (a); three meetings for agenda item 3 (b); two meetings for agenda item 3 (c); and one meeting for agenda items 4 and 5.

6. In accordance with paragraph 124 of the report of the Working Group at its third session (E/CN.4/Sub.2/1997/18) and paragraph 7 of Sub-Commission resolution 1997/23, a seminar will be held in Geneva on the role of the media and the protection of minorities on 22 and 23 May 1998.

3. (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

7. Under this item the Working Group decided to categorize the relevant issues to be discussed according to national, bilateral, regional, and international levels.

8. In accordance with paragraph 108 of the report of the Working Group on its third session (E/CN.4/Sub.2/1997/18), the Working Group has before it the working paper prepared by Mr. Eide providing an interpretation of the principles contained in the Declaration (E/CN.4/Sub.2/AC.5/1998/WP.1). Furthermore, in accordance with paragraph 109 of the report, the Working Group

has before it the working paper containing information received and collected on "best practices" in the field of minority rights, with a special focus on measures adopted to give effect to the principles contained in the Declaration (E/CN.4/Sub.2/AC.5/1998/WP.2).

(i) At the national level:

(a) Constitutional and main legal provisions protecting the existence and identity of minorities (art. 1.1). All participants irrespective of their status, are welcome to submit information and proposals on this subject;

(b) The rights of persons belonging to minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public (arts. 2.1 and 3). For this purpose, information on legislative and administrative measures and on positive examples of the application of those rights is encouraged;

(c) Effective participation by members of minorities, individually or in community with others, including (i) effective participation in cultural, religious, social, economic and public life (art. 2.2); (ii) effective participation in decisions at the national and regional level concerning the minority to which they belong or the regions in which they live (art. 2.3); (iii) the right of persons belonging to minorities to establish and maintain their own associations (art. 2.4); and (iv) participation by persons belonging to minorities in the economic progress and development in their country (art. 4.5);

(d) The value and content of education aimed at protecting the cultural identity of persons belonging to minorities, including the right to learn and have instruction in their mother tongue (art. 4.3);

(e) The value and content of intercultural education in providing persons belonging to minorities with adequate opportunities to gain knowledge of the society as a whole (art. 4.4) and in fostering reciprocal understanding and tolerance among all groups;

(f) The need to pay due regard for the legitimate interests of persons belonging to minorities in national policies and programmes (art. 5.1);

(g) The role of national institutions.

(ii) At the bilateral and regional levels:

(a) The existence, use and value of bilateral treaties and similar agreements on good neighbourly relations and on the treatment of persons belonging to minorities; inclusion in such treaties of the rights of persons belonging to minorities as contained in the Declaration;

(b) The existence, use of, and experiences with regional mechanisms for the protection of persons belonging to minorities, in accordance with the Declaration.

(iii) At the international level:

(a) Cooperation among States on questions relating to persons belonging to minorities, in accordance with the Declaration, including, inter alia, exchanging information and experiences in order to promote mutual understanding and confidence (arts. 6 and 7);

(b) The role of the Office of the High Commissioner for Human Rights, the Commission and the Sub-Commission and the United Nations programme of technical cooperation and advisory services;

(c) The role of the treaty bodies including the Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC) and the Committee on Economic, Social and Cultural Rights (CESCR);

(d) The role of the United Nations bodies and specialized agencies;

(e) The role of international financial institutions;

(f) The role of non-governmental organizations.

3. (b) Examining possible solutions to problems involving minorities including the promotion of mutual understanding between and among minorities and Governments

9. Under this item, it was decided by the Working Group to discuss the following:

(a) Examination of the causes and nature of the problems affecting minorities and group accommodation, and their possible solutions;

(b) The role of the media and the protection of minorities. The Working Group has before it the working paper on the seminar held on 22 and 23 May 1998 on this subject (E/CN.4/Sub.2/AC.5/1998/WP.3);

(c) Examination of issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

(d) Technical cooperation as a contribution to finding solutions;

(e) National recourse and conciliation machineries, including national commissions or councils, community mediation and other forms of voluntary dispute avoidance or settlement, and mechanisms for dialogue between and among minorities and Governments;

(f) Prevention and early warning mechanisms.

3. (c) Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities

10. It was decided that the Working Group would continue to call on observers to consider further measures for the protection of persons belonging to minorities which could act as examples or be replicated.

4. The future role of the Working Group

11. The Working Group recommended that it should, in accordance with its mandate, continue to act as a forum for dialogue and exchange of ideas, information and experiences with a view to the elaboration of proposals for constructive group accommodation and further measures to promote and protect the rights of persons belonging to minorities.

5. Other matters

12. Under this item, members of the Working Group may consider a range of issues relating to its mandate and its activities. The Working Group may also have before it further working papers, if prepared in time.